

STRUCTURAL PEST CONTROL BOARD{PRIVATE }

INITIAL STATEMENT OF REASONS

Hearing Date: July 15, 2005

Subject Matter of Proposed Regulations: Citations and Fines

Section Affected: 1920

Specific Purpose of each adoption, amendment, or repeal:

Section 1920 of the California Code of Regulations authorizes the Registrar or Deputy Registrar of the Board to issue an administrative fine for violations of the statutes contained in the Structural Pest Control Act or the regulations adopted by the Board. Senate Bill 362 (Stats. 2003, Chapter 788) amended the maximum amount of an administrative fine levied upon licensees from \$2500 to \$5000 in the Business and Professions Code. The Department of Consumer Affairs has requested that the Board incorporate the following four sets of conditions for imposition of the maximum of that fine: (1) the citation involves a violation that has an immediate relationship to the health and safety of another person; (2) the cited person has a history of two or more prior citations of the same or similar violations; (3) the citation involves multiple violations that demonstrate a willful disregard of the law; and (4) the citation involves a violation or violations perpetrated against a senior citizen or disabled person.

Factual Basis/Rationale

In December 2003, the Board amended section 1920 of the California Code of Regulations to correspond with the amendment of Business and Professions Code 125.9. The Department of Consumer Affairs has since requested that the Board incorporate criteria under which the maximum fine amount may be imposed.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD{PRIVATE }

INITIAL STATEMENT OF REASONS

Hearing Date: July 15, 2005

Subject Matter of Proposed Regulations: Pesticide Disclosure Requirement

Section Affected: 1970.4

Specific Purpose of each adoption, amendment, or repeal:

Section 8505.7 of the Business and Professions Code states that a structure must be vacant of occupants prior to the commencement of fumigation and that all entrances be closed off, and section 8538 requires the registered structural pest control company to provide the owner, or owner's agent, and tenant of the premises for which the fumigation work is to be done with a clear written notice regarding the pest being controlled and the pesticide being used. This proposal would amend an already existing form for this purpose to include language suggesting that the occupants of a structure scheduled for fumigation notify their nearby neighbors of the date of that fumigation, alert them to keep their pets away, and be sure to close off open accesses to subareas.

Factual Basis/Rationale

Recent reports of deaths to pets trapped under structures during fumigation prompted this amendment. The amendment will emphasize the importance of preventing pet entry prior to and during fumigation on the Occupants Fumigation Notice and Pesticide Disclosure Form, which is already required to be furnished to the occupant whose structure is being fumigated.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

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INITIAL STATEMENT OF REASONS

Hearing Date: July 15, 2005

Subject Matter of Proposed Regulations: Report Requirements Under Section 8516(b)(10)

Section Affected: 1991(a)(9)

Specific Purpose of each adoption, amendment, or repeal:

Section 8516 of the Business and Professions Code provides guidelines for wood destroying pests and organisms, and section 1991 of the California Code of Regulations speaks to subterranean termite infestations and elimination of accessible subterranean termite tubes. This proposal would amend section 1991 to clarify that when above ground termite bait stations are being used that require use of those termite tubes in order to be effective, the termite tubes can remain in place for the purpose of placement of the termite bait stations and would not require removal until after the termite eradication treatment ended.

Factual Basis/Rationale

The Structural Pest Control Industry has incurred several technological advancements over the past several years. It is the desire of the Structural Pest Control Board to ensure that the rules and regulations reflect these advancements in regards to the use of above ground termite bait stations.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD{PRIVATE }

INITIAL STATEMENT OF REASONS

Hearing Date: July 15, 2005

Subject Matter of Proposed Regulations: Requirements for Reporting All Inspections Under Section 8516(b)

Section Affected: 1996

Specific Purpose of each adoption, amendment, or repeal:

Senate Bill 1307 (Stats. 1999, Chapter 983) amended sections of the Business and Professions Code to eliminate the requirement that registered companies file inspection reports and notices of work completed and not completed with the Structural Pest Control Board. The bill created a requirement that registered companies instead report and file with the Board the addresses of properties inspected and upon which work is completed. This proposal eliminates references to the filing of reports with the Board and would instead require that structural pest control companies deliver the report to the person requesting the inspection, or to their designated agent.

Factual Basis/Rationale

This amendment coincides with and reflects the intent of amended sections of the Business and Professions Code.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.